

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LORIE DUFF	)	
	)	
PLAINTIFF	)	
	)	
v.	)	CIVIL ACTION NO. 4:20-CV-03430
	)	
FRONTIER AIRLINES, INC. AND ABM	)	JURY DEMANDED
AVIATION, INC.	)	
	)	
DEFENDANTS	)	

**PLAINTIFF'S UNOPPOSED MOTION FOR  
LEAVE TO FILE AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW, LORI DUFF ("Plaintiff") requesting leave to file her first amended complaint.

**I. Introduction**

1. Plaintiff Lori Duff is an individual residing in Harris County, Texas.
2. Defendants Frontier Airlines, Inc. and ABM Aviation, Inc. have both appeared, and advised that they are unopposed to the granting of this motion.
3. Plaintiff has asserted personal injury claims against Defendants related to a fall Plaintiff suffered while being pushed in a wheelchair off of a Frontier airplane by staff employed by ABM Aviation at Houston Intercontinental Airport.

**II. Motion for Leave**

5. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962). This is the first motion for leave to amend filed by Plaintiff. Defendants have indicated

they are unopposed to the granting of the motion.

6. The court should allow the filing of Plaintiff's amended pleading because this matter was originally filed in State District Court in Harris County, Texas and the pleadings need to be conformed for federal practice. Further, Plaintiff has clarified her claims,

7. Defendants will not be prejudiced by this amendment as it clarifies claims previously made to aide in the discovery process.

8. A copy of the proposed pleading is attached hereto as Exhibit "A".

### **III. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the Court grant his unopposed motion for leave and for such other relief at law or equity to which Plaintiff may be entitled.

Respectfully Submitted,

**THE FORSBERG LAW FIRM, P.C.**

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**CERTIFICATE OF SERVICE**

This is to certify that on April 2, 2021, a true and correct copy of the foregoing documents was served by US Mail with a copy by efile on:

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\_\_\_\_\_/s/ Kevin A. Forsberg

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